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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/663,016

09/15/2003

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705397.4005

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05/29/2008

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EXAMINER

MENDOZA, JUNIOR O

ART UNIT

PAPER NUMBER

2623

MAIL DATE

DELIVERY MODE

05/29/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/663,016	STECYK, POLLY	
	<b>Examiner</b>	<b>Art Unit</b>	
	JUNIOR O. MENDOZA	2623	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 April 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments with respect to claims 1-35 have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Objections*

2. **Claim 15** is objected to because of the following informalities: The applicant discloses "... time range specification of of the selected ..." which should be changed to "... time range specification of the selected ...".

Appropriate correction is required.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1 – 35** are rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas (Patent No 7,134,130) in view of Johnson et al. (Pub No US 2004/0078806). Hereinafter referenced as Thomas and Johnson, respectively.

Regarding **claim 1**, Thomas discloses a consumer electronics device having media supervision enforcement circuitry for supervising personal exposure to user discernible information, comprising:

a first logic unit configured for generating viewer indicators indicative of viewers present in a viewing area (image recognition [212] determines that a user is present in a given area having access to the display, column 7 lines 43-44 also exhibited on fig 2);

non-volatile memory configured for receiving viewing profiles (viewing criteria [216] specifies which users have access to a content or various types of content, column 9 lines 57-59; a memory containing user profiles, column 2 lines 9-13; moreover, Thomas discloses that all the IDE connectors [124] are standard devices such as hard drives, which are non volatile memory, column 5 lines 24-27);

a second logic unit coupled to the first logic unit and the non-volatile memory and being configured for comparing a viewer indicator with viewing profiles to identify an active viewing profile and a content-based indicator with the active viewing profile (decision and command processor [214] couples to image recognition [212] or first memory and also couples to viewing criteria [216] or non-volatile memory as exhibited on figure 2; Moreover, decision and command processor [214] compares the user currently being recognized with the viewing criteria corresponding to that user, column 9 lines 59-63),

the second logic unit being further configured for generating a control signal in response to the comparison between the content-based indicator and the viewing profiles (control signal [215], column 6 lines 57-58 also exhibited on fig 2); and a

signal impairment mechanism coupled to the logic unit and configured for, based on the control signal, selectively passing a program signal therethrough without substantial impairment or passing the program signal therethrough with substantial impairment (display controller [222] selectively controls the display of the information based on whether a user is present in front of the display in reference to such user's profile, blocking or allowing the signal, column 7 lines 45-48 also exhibited on fig 2).

However, it is noted that Thomas fails to explicitly disclose a non-volatile memory configured for receiving a plurality of viewing profiles for selected viewers wherein the plurality of viewing profiles include content-based specifications and wherein one or more of the plurality of viewing profiles include two or more time range specifications and different content-based specifications corresponding to each of the two or more time range specifications

Nevertheless, in a similar field of endeavor Johnson discloses a non-volatile memory configured for receiving a plurality of viewing profiles for selected viewers (Paragraph [0016]),

wherein the plurality of viewing profiles include content-based specifications (Paragraph [0029] also exhibited on fig 5 and 6)

and wherein one or more of the plurality of viewing profiles include two or more time range specifications (Paragraph [0029] [0082] also exhibited on fig 6; weekday time ranges and weekend time ranges)

and different content-based specifications corresponding to each of the two or more time range specifications (Paragraph [0029] [0082] also exhibited on fig 5 and 6;

even when the user is allow to watch content they still have to obey their assigned rating limit)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Thomas by specifically providing the elements mentioned above, as taught by Johnson, for the purpose of implementing a reliable and accurate parenting control scheme which allows children to watch safer educational content.

Regarding **claim 2**, Thomas and Johnson disclose the consumer electronics device of claim 1; moreover, Thomas discloses that each of the viewing profiles comprises a viewer specification (viewing criteria [216] that specifies the material that each user has access to, column 9 lines 57-59 also exhibited on fig 2)

and a content-based specification corresponding to the viewer specification (the broadcasted program includes a viewer rating, which indicates whether a user has access to it or not based on such information in relation to a user's profile, column 8 lines 4-15).

Regarding **claim 3**, Thomas and Johnson disclose the consumer electronics device of claim 2; moreover, Thomas discloses an output device coupled to the signal impairment mechanism for transforming the program signal into the user discernible information (display [224] which displays the information to be viewable to an user, column 7 lines 40-42 also exhibited on fig 2).

Regarding **claim 4**, Thomas and Johnson disclose the consumer electronics device of claim 1; however, it is noted that Thomas fails to explicitly disclose a data entry system for selectively inputting the viewer and content-based specifications into the non-volatile memory for storage.

Nevertheless, in a similar field of endeavor Johnson discloses a data entry system for selectively inputting the viewer and content-based specifications into the non-volatile memory for storage (Paragraph [0008]; figure 4-6).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Thomas by specifically providing the elements mentioned above, as taught by Johnson, for the purpose allowing the user to edit and add viewer profiles.

Regarding **claim 5**, Thomas and Johnson disclose the consumer electronics device of claim 1; moreover, Thomas discloses that the non-volatile memory includes a look-up list for storing a plurality of viewer specification and associated content-based specifications (user [99] programs the system [200] by providing a list of persons and a rating of content suitable for each of those persons or a person rating, column 10 lines 58-60; moreover, such list is located in the viewing criteria [216] which specifies what users have access to a content or various types of content, column 9 lines 57-59).

Regarding **claim 6**, Thomas and Johnson disclose the consumer electronics device of claim 1; moreover, Thomas discloses that the program signal carries the content-based indicator (program content signal [221] included a content indicator signal [219], column 6 lines 63-65), and

further comprising a data extraction device coupled to the logic unit for extracting the content-based indicator (decision and command processor [214] receives and extract the content indicator signal [219], column 7 lines 1-5).

Regarding **claim 7**, Thomas and Johnson disclose the consumer electronics device of claim 1; moreover, Thomas discloses that the signal impairment device is a switch (decision and command processor [214] can either totally block the signal or replace the signal by another signal, column 8 lines 20-23; where device [214] performs as a switch.

Regarding **claim 8**, Thomas and Johnson disclose the consumer electronics device of claim 1; moreover, Thomas discloses that the output device is a television system audio/video output device (display [224] displays a television signal, column 7 lines 17-21).

Regarding **claim 9**, Thomas and Johnson disclose the consumer electronics device of claim 1; moreover, Thomas discloses that the first logic unit is a computer configured to run facial recognition software (image recognition [212] determines that a



user is present in a given area having access to the display, column 7 lines 43-44 also exhibited on fig 2; moreover, Thomas discloses that image recognition [212] includes a software program which controls the image recognition processor, column 7 lines 54-55).

Regarding **claim 10**, Thomas and Johnson disclose the consumer electronics device of claim 1; moreover, Thomas discloses that a camera coupled to the first logic unit and configured to continuously scan the viewing area associated with the consumer electronic device (room scanner [210] includes a video camera that acquires an image of the monitored area or room, column 7 lines 52-54 also exhibited on fig 2; moreover, Thomas discloses that the video camera can be any other similar imaging device, column 10 lines 33-34).

Regarding **claim 11**, Thomas and Johnson disclose the consumer electronics device of claim 1; moreover, Thomas discloses that each of the viewing profiles comprises a viewer specification (a viewing criteria [216] which specifies the material that each user has access to, column 9 lines 57-59 also exhibited on fig 2).

However, it is noted that Thomas fails to explicitly disclose that each of the viewing profiles comprises a finite time range specification and a content-based specification corresponding to the viewer and time range specifications.

Nevertheless, in a similar field of endeavor Johnson discloses that each of the viewing profiles comprises a finite time range specification and a content-based

specification corresponding to the viewer and time range specifications (Paragraph [0029] [0082] also exhibited on fig 6; weekday time ranges and weekend time ranges and even when the user is allow to watch the content they still have to obey their assigned rating limit).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Thomas by specifically providing the elements mentioned above, as taught by Johnson, for the purpose of implementing a reliable and accurate parenting control scheme which allows children to watch safer educational content.

Regarding **claim 12**, Thomas and Johnson disclose the consumer electronics device of claim 1; however, it is noted that Thomas fails to explicitly disclose a data entry system for selectively inputting the viewer, time range and content-based specifications into the non-volatile memory for storage.

Nevertheless, in a similar field of endeavor Johnson discloses a data entry system for selectively inputting the viewer, time range and content-based specifications into the non-volatile memory for storage (Paragraph [0008] [0016] [0029] [0082] also exhibited on fig 5-6).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Thomas by specifically providing the elements mentioned above, as taught by Johnson, for the purpose of implementing a reliable and

accurate parenting control scheme which allows children to watch safer educational content.

Regarding **claim 13**, Thomas and Johnson disclose the consumer electronics device of claim 1; moreover, Thomas discloses that the non-volatile memory includes a look-up list for storing a plurality of viewer specification (A memory containing user profiles, column 2 lines 9-13; moreover, Thomas discloses that all the IDE connectors [124] are standard devices such as hard drives, which are non volatile memory, column 5 lines 24-27. Where system [200] includes a list of persons and the rating of content suitable for each of those persons, column 10 lines 58-60).

However, it is noted that Thomas fails to explicitly disclose that the non-volatile memory includes a look-up list for storing associated time range and content-based specifications

Nevertheless, in a similar field of endeavor Johnson discloses that the non-volatile memory includes a look-up list for storing associated time range and content-based specifications (Paragraph [0016] [0029] [0082] also exhibited on fig 5 and 6; a memory stores the user profile records which includes the rating limits and viewing hours)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Thomas by specifically providing the elements mentioned above, as taught by Johnson, for the purpose of implementing a reliable and

Art Unit: 2623

accurate parenting control scheme which allows children to watch safer educational content.

Regarding **claim 14**, Thomas and Johnson disclose the consumer electronics device of claim 1; moreover, Thomas discloses that the program signal carries the content-based indicator and timing information (program content (220) provides a content indication signal (219) indicative of the type of content in the program material, column 6 lines 62-65); moreover, program content [220] contains information about the time-span of the program material, column 7 lines 6-8),

and further comprising a data extraction device coupled to the logic unit for extracting the content-based indicator and timing information (Program content [220] outputs the program content signal [221] and a content indicator signal [219] which is then coupled to decision and command processor [214], column 6 lines 63-65 also exhibited on fig 2).

Regarding **claim 15**, Thomas discloses a recordable medium comprising: a computer program comprising a set of instructions for:

receiving a program signal suitable for conversion by a consumer electronics device into user discernible information (video and audio signals that are received from a broadcast station, column 7 lines 19-21);

receiving a content-based indicator indicative of the content of the user discernible information (the broadcasted program includes a viewer rating, which

indicates whether a user has access to it or not based on such information, column 8 lines 4-15);

receiving a viewer indicator indicative of a viewer present in a viewer area (a room scanner [200] that scans the room for users and output signal [211] to indicate the presence of a viewer, column 6 lines 52-53 also exhibited on fig 3);

selecting a viewer specification associated with the viewer indicator (a user recognition input device [208] that determines which users are present in a given area having access to the display [224], having access to all the profiles stored in memory, column 9 lines 51-53 also exhibited on fig 2);

comparing the content-based specification with received content-based indicator (viewing criteria [216] that specifies the material that each user has access to, column 9 lines 57-59 also exhibited on fig 2; a memory [220] containing information that identifies a video content type being displayed on the display [224] and containing information about which users are to be permitted access to that content type, column 9 lines 54-57);

and generating a control signal based on the comparison between the selected content-based specification and the received content-based indicator (a control signal [215] sent from the decision and command processor [214] to the display controller [222] indicating whether a user has been allowed access to a content or not, column 6 lines 57-63 also exhibited on fig 2).

However, it is noted that Thomas fails to explicitly disclose that the viewer specification including one or more content-based specifications associated with one or

more time range specifications and comparing a reference time with the one or more time range specifications of the selected viewer specification and a content-based specification associated with a time range specification of the one or more time ranges specifications that the reference time falls within with a received content-based indicator.

Nevertheless, in a similar field of endeavor Johnson discloses the viewer specification including one or more content-based specifications associated with one or more time range specifications (Paragraph [0029] also exhibited on fig 5 and 6);

comparing a reference time with the one or more time range specifications of the selected viewer specification and a content-based specification associated with a time range specification of the one or more time ranges specifications that the reference time falls within with a received content-based indicator (Paragraph [0029] [0082] also exhibited on fig 5 and 6; weekday time ranges and weekend time ranges, and even when the user is allow to watch content they still have to obey their assigned rating limit. Paragraph [0061])

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Thomas by specifically providing the elements mentioned above, as taught by Johnson, for the purpose of implementing a reliable and accurate parenting control scheme which allows children to watch safer educational content.

Regarding **claim 16**, Thomas and Johnson disclose the recordable medium of claim 15; moreover, Thomas discloses that each of the received content-based indicator and the selected content-based specification is a rating (received program content includes a rating, which is then compared to the user's specification to decide whether such user is allow to have access to the content, column 8 lines 4-15).

Regarding **claim 17**, Thomas and Johnson disclose the recordable medium of claim 16; moreover, Thomas discloses that the control signal is generated if the received content-based rating exceeds the selected content-based rating (a control signal (215) sent from the decision and command processor (214) to the display controller (222) indicating whether a user has been allowed access to a content or not, column 6 lines 57-63 also exhibited on fig 2).

Regarding **claim 18**, Thomas and Johnson disclose the recordable medium of claim 15; moreover, Thomas discloses that each of the received content-based indicators and the selected content-based specifications is a subject matter category (a content indicator and content specification used to avoid children from having contact to questionable content, from different content categories such as violent content or sexual content, column 6 lines 11-14).

Regarding **claim 19**, Thomas and Johnson disclose the recordable medium of claim 18; moreover, Thomas discloses that the control signal is generated if the

received content-based category matches the selected content-based category (a control signal (215) is generated from decision and command processor (214) according to the viewing criteria (216), which will block the content if there is any indication of sexual or violent content, column 6 lines 55-67 also exhibited on fig 2).

Regarding **claim 20**, Thomas and Johnson disclose the recordable medium of claim 15; moreover, Thomas discloses that the control signal is generated to impair the program signal (if anyone outside the allowed set of persons is present the image and sound will be blocked, column 6 lines 60-63 also exhibited on fig 3).

Regarding **claim 21**, Thomas and Johnson disclose the recordable medium of claim 15; however, it is noted that Thomas fails to explicitly disclose receiving timing information indicative of a reference time; selecting a finite time range specification associated with the timing information and selecting a content-based specification associated with the selected viewer and time range specifications.

Nevertheless, in a similar field of endeavor Johnson discloses receiving timing information indicative of a reference time (Paragraph [0061])

selecting a finite time range specification associated with the timing information (Paragraph [0029] also exhibited on fig 5 - 6; viewing hours 505)

and selecting a content-based specification associated with the selected viewer and time range specifications (Paragraph [0029] [0082] also exhibited on fig 5 and 6;



even when the user is allow to watch content they still have to obey their assigned rating limit).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Thomas by specifically providing the elements mentioned above, as taught by Johnson, for the purpose of implementing a reliable and accurate parenting control scheme which allows children to watch safer educational content.

Regarding **claim 22**, Thomas discloses a device comprising:

a viewer monitoring system (image recognition [212] determines and checks that a user is present in a given area having access to the display, column 7 lines 43-44 also exhibited on fig 2);

non-volatile memory for receiving viewing profiles of selected viewers (viewing criteria [216] specifies which users have access to a content or various types of content, column 9 lines 57-59; a memory containing user profiles, column 2 lines 9-13; moreover, Thomas discloses that all the IDE connectors [124] are standard devices such as hard drives, which are non volatile memory, column 5 lines 24-27);

a logic unit coupled to the viewer monitoring system and the non-volatile memory and being configured for comparing a viewer indicator with viewing profiles to identify an active viewing profile and a content-based indicator with the active viewing profile (decision and command processor [214] couples to image recognition [212] or first memory and also couples to viewing criteria [216] or non-volatile memory as exhibited

on figure 2; Moreover, decision and command processor [214] compares the user currently being recognized with the viewing criteria corresponding to that user, column 9 lines 59-63),

the logic unit being further configured for generating a control signal in response to the comparison between the content-based indicator and the viewing profiles (control signal [215], column 6 lines 57-58 also exhibited on fig 2);

and a signal impairment mechanism coupled to the logic unit and configured for, based on the control signal, selectively passing a program signal therethrough without substantial impairment or passing the program signal therethrough with substantial impairment (display controller [222] selectively controls the display of the information based on whether a user is present in front of the display in reference to such user's profile, blocking or allowing the signal, column 7 lines 45-48 also exhibited on fig 2).

However, it is noted that Thomas fails to explicitly disclose that the plurality of viewing profiles include time range specifications and different content-based specification corresponding to each of the time range specifications.

Nevertheless, in a similar field of endeavor Johnson discloses that the plurality of viewing profiles include time range specifications (Paragraph [0029] [0082] also exhibited on fig 6; weekday time ranges and weekend time ranges)

and different content-based specification corresponding to each of the time range specifications (Paragraph [0029] [0082] also exhibited on fig 5 and 6; even when the user is allow to watch content they still have to obey their assigned rating limit)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Thomas by specifically providing the elements mentioned above, as taught by Johnson, for the purpose of implementing a reliable and accurate parenting control scheme which allows children to watch safer educational content.

Regarding **claim 23**, Thomas and Johnson disclose the recordable medium of claim 22; moreover, Thomas discloses that the viewer monitoring system comprises a facial recognition system (user recognition input device [208], column 9 lines 14-16 also exhibited on 2).

Regarding **claim 24**, Thomas and Johnson disclose all the limitations of claim 24; therefore, claim 24 is rejected for the same reasons as in claims 9 and 10, respectively.

Regarding **claims 25, 26, 27, 28, 29, 30, 31 and 32**, Thomas and Johnson disclose all the limitations of claims 25, 26, 27, 28, 29, 30, 31 and 32; therefore, claims 25, 26, 27, 28, 29, 30, 31 and 32 are rejected for the same reasons as in claims 2, 3, 4, 13, 14, 7, 8 and 11, respectively.

Regarding **claims 33, 34 and 35**, Thomas and Johnson disclose all the limitations of claims 33, 34 and 35; therefore, claims 33, 34 and 35 are rejected for the same reasons as in claims 4, 13 and 14, respectively.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Koenig can be reached on (571)272-7296. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Junior O Mendoza  
Examiner  
Art Unit 2623

/J. O. M./  
May 23, 2008

/Andrew Y Koenig/  
Supervisory Patent Examiner, Art Unit 2623